

REMARKS

This communication responds to the Office Action of October 4, 2006, in which pending claims 27-31 and 33-49 were rejected. Claim 32 was not addressed by the Examiner.

By this communication, claim 42 has been canceled, and claim 50 has been added. No new matter has been added.

Reconsideration is requested.

Rejection under 35 U.S.C. § 112

Claim 27 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

This rejection is traversed because the Examiner is incorrect when she states “the ‘holding structure’ is not specified in the specification nor is it shown in the drawings.” In fact, the application states:

Advantageously, in some embodiments, a lower holding structure is provided on the implant and is inserted into the tissue. In one embodiment, this lower holding structure is a ring encircling the underside of the implant and protruding from the implant, in order to help hold the inserted implant. *Application, page 5, lines 12-15.*

In addition, a holding structure is shown in the drawings at Figs. 2 and 3.

Reconsideration and withdrawal of the § 112 are requested.

Rejection under 35 U.S.C. § 102

Claims 27-29, 42-49 were rejected under 35 U.S.C. § 102(b) over Svensson et al. (US Patent 5,098,397).

The § 102(b) rejection is improper for at least the following reasons. Svensson discloses a percutaneous access device that includes “zone 9 for tissue penetration of the cutaneous passageway 1.” *Svensson, col. 2, lines 13-14.* Svensson does not disclose that zone 9 includes a plurality of regions that interrupt a substantially uniform outer wall, where the plurality of

regions includes at least two regions, the first region including one or more discrete tactile surface structures, and the second region including a plurality of discrete tactile surface structures, as provided in the independent claims. Nor does Svensson disclose that multiple zones may be arranged on the passageway. Therefore, Svensson does not disclose at least the claimed aspect of “providing a port structure comprising an outer wall having a substantially uniform outer circumference interrupted by a plurality of regions having areas of a smaller outer circumference, wherein a first region of the plurality of regions comprises one or more discrete tactile surface structures, and a second region of the plurality of regions comprises a plurality of discrete tactile surface structures, wherein each of said discrete tactile surface structures encircles the port structure and are arranged along a length of the port body that comprises at least a portion of an implant area, the plurality of discrete tactile surface structures improving ingrowth characteristics associated with the implant by promoting growth of cellular tissue in at least one direction relative to the surface of the implant”, from independent claims 27 and 45.

Reconsideration and withdrawal of the § 102(b) rejection are requested.

Rejection under 35 U.S.C. § 103

Claims 30-31 and 33-41 were rejected under 35 U.S.C. § 103(a) over Bestetti et al.

The § 103(a) rejection is improper for at least the following reason. Bestetti discloses a port body for the administration of drugs that includes a shaft part 15, an anchoring part 16, and a port fin 11 that protrudes radially between 15 and 16. *Bestetti, col. 3, lines 7-10*. As can be seen in Fig. 1 of Bestetti, port fin 11 protrudes beyond shaft part 15 and has an outer circumference that is larger than shaft part 15. Therefore, Bestetti does not disclose or suggest “providing a port structure comprising an outer wall having a substantially uniform outer circumference interrupted by a plurality of regions having areas of a smaller outer circumference . . . [the regions comprising] discrete tactile surface structures” as recited by independent claims 27 and 45.

Accordingly, one of skill in the art would not be motivated to provide discrete tactile surface structures in regions having areas of a smaller outer circumference; and as a result, one would not be motivated to modify the widths and the depths of discrete tactile surface structures.

Furthermore, because Bestetti does not disclose a plurality of regions of discrete tactile surface structures having areas of a smaller outer circumference, the invention as claimed is patentably distinct from Bestetti.

Reconsideration and withdrawal of the § 103(a) rejection are requested.

New Claim

New claim 50 is patentable over the cited art because it too recites a plurality of regions having areas of a smaller outer circumference that interrupt a substantially uniform outer wall of a port structure, which is not disclosed or suggested in the cited references. Furthermore, new claim 50 indicates that the first and second of the plurality of regions are separated by a portion of the uniform outer wall of the port structure, which is not disclosed or suggested in the cited references. Therefore, new claim 50 is distinguishable over the cited references, and allowance is requested.

Dependent Claims

Dependent claims 28-44 and 46-49 depend from their respective independent claims 27 and 45, and include further recitations. Therefore, claims 28-44 and 46-49 are distinguishable over the cited art for at least the reasons set forth above.

Conclusion


This response is being submitted on or before April 4, 2007, with a Petition for a Three Month Extension of Time and the required fee, making it timely. The Commissioner is also hereby authorized to charge any deficiencies associated with this paper or the petition to our Deposit Account No. 04-1420 and notify us of same.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date: April 4, 2007

By:   
David E. Bruhn, Reg. No. 36,762  
(612) 340-6317